

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**EDWARD DAVIS,**

**Defendant.**

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**8:15CR247**

**ORDER**

This matter is before the court on the motion *in limine* by defendant Edward Davis (Davis) (Filing No. 100). On February 4, 2016, Davis was given an opportunity to employ an expert to address the issue of whether or not the government's GPS was subject to a motion under ***Daubert v. Merrell Dow Pharmaceuticals***, 113 S.Ct. 2786 (1983) (Filing No. 129). Further, Davis was given until February 19, 2016, in which to file a response to the government's position that GPS evidence is not subject to a ***Daubert*** hearing. To date no CJA form 21 has been requested to employ an expert and no response has been filed regarding the government's position. Accordingly, the court deems the motion *in limine* (Filing No. 100) to be abandoned. The motion is denied, without prejudice.

**IT IS SO ORDERED.**

**ADMONITION**

Pursuant to [NECrimR 59.2](#) any objection to this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

DATED this 7th day of March, 2016.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge